

Steven W. Troxler Commissioner

North Carolina Department of Agriculture and Consumer Services Veterinary Division

R. Douglas Meckes, DVM State Veterinarian

February 24, 2016

David Grindstaff Continental Boarding, Inc. 2235 Township Road Charlotte, North Carolina 28273

Notice of Warning and Notice of Deficiency

Re: Violation of Title $\overline{02}$, N. C. Administrative Code ("NCAC") Chapter 52J, Sections .0202 (b) and (d); .0203 (a); and .0204 (a) and (b).

AWS-WL-2016-6

Boarding Kennel: Continental Boarding Kennel

License No. 10552

Dear David Grindstaff:

The Animal Welfare Section ("AWS") of the Veterinary Division of the N. C. Department of Agriculture and Consumer Services ("NCDA&CS") conducted facility inspections of Continental Boarding Kennel ("the kennel") on January 11, 2016 and February 19, 2016. The facility inspections were marked "Disapproved" due to the number and continued nature of the deficiencies as reflected in the inspection reports attached hereto. Despite these same deficiencies being noted during a December 16, 2015 facility inspection, the kennel has not corrected them. Despite being instructed not to house animals in these non-compliant areas, the two recent inspections showed the areas to be in use.

The facility inspections revealed numerous repetitive deficiencies and areas of non-compliance with the NC Animal Welfare Act and the rules promulgated thereunder. Based on the results of this inspection, as detailed in the attached inspection reports, you are in violation of the following regulations:

- 1) 02 NCAC 52J .0202 (b), (d);
- 2) 02 NCAC 52J .0203 (a); and
- 3) 02 NCAC 52J .0204 (a), (b).

Pursuant to N. C. General Statute §19A-30, this Warning Letter, in conjunction with the enclosed Inspection Reports, serves as written notice indicting in which respects the kennel has failed to satisfy the requirements for the holding of a license as boarding kennel.

The kennel is directed to immediately cease housing animals in the non-compliant areas. Failure to abide by this directive shall be considered to be a willful disregard or violation of the NC Animal Welfare Act and the rules issued pursuant thereto.

In addition, the kennel is to correct all deficiencies described in the enclosed facility inspections within 30 days of the date of receipt of this letter. Continued or future violation of these statutes or regulations will be considered to be a willful disregard or violation of the same. Such willful disregard or violation of the NC Animal Welfare Act and the rules issued pursuant thereto may result in disciplinary action against your facility's license pursuant to N. C. General Statute §19A-30 and/or the assessment of a civil penalty of up to \$5,000.00 per violation under N. C. General Statute §19A-40.

Your immediate attention to this matter is appreciated.

Sincerely,

Patricia Norris, DVM, MS

Director of Animal Welfare Section

Veterinary Division

cc: Dr. R. Douglas Meckes, State Veterinarian

Joe Reardon, Assistant Commissioner, NCDA&CS

Tina Hlabse, General Counsel, NCDA&CS

Christopher R. McLennan, Assistant Attorney General

Appendix

RELEVANT LAWS AND REGULATIONS

§ 19A-30. Refusal, suspension or revocation of certificate or license.

The Director may refuse to issue or renew or may suspend or revoke a certificate of registration for any animal shelter or a license for any public auction, kennel, pet shop, or dealer, if after an impartial investigation as provided in this Article he determines that any one or more of the following grounds apply:

- (1) Material misstatement in the application for the original certificate of registration or license or in the application for any renewal under this Article;
- (2) Willful disregard or violation of this Article or any rules issued pursuant thereto;
- (3) Failure to provide adequate housing facilities and/or primary enclosures for the purposes of this Article, or if the feeding, watering, sanitizing and housing practices at the animal shelter, public auction, pet shop, or kennel are not consistent with the intent of this Article or the rules adopted under this Article;
- (4) Allowing one's license under this Article to be used by an unlicensed person:
- (5) Conviction of any crime an essential element of which is misstatement, fraud, or dishonesty, or conviction of any felony;
- (6) Making substantial misrepresentations or false promises of a character likely to influence, persuade, or induce in connection with the business of a public auction, commercial kennel, pet shop, or dealer;
- (7) Pursuing a continued course of misrepresentation of or making false promises through advertising, salesmen, agents, or otherwise in connection with the business to be licensed;
- (8) Failure to possess the necessary qualifications or to meet the requirements of this Article for the issuance or holding of a certificate of registration or license.

The Director shall, before refusing to issue or renew and before suspension or revocation of a certificate of registration or a license, give to the applicant or holder thereof a written notice containing a statement indicating in what respects the applicant or holder has failed to satisfy the requirements for the holding of a certificate of registration or a license. If a certificate of registration or a license is suspended or revoked under the provisions hereof, the holder shall have five days from such suspension or revocation to surrender all certificates of registration or licenses issued thereunder to the Director or his authorized representative.

A person to whom a certificate of registration or a license is denied, suspended, or revoked by the Director may contest the action by filing a petition under G.S. 150B-23 within five days after the denial, suspension, or revocation.

Any licensee whose license is revoked under the provisions of this Article shall not be eligible to apply for a new license hereunder until one year has elapsed from the date of the order revoking said license or if an appeal is taken from said order of revocation, one year from the date of the order or final judgment sustaining said revocation. Any person who has been an officer, agent, or employee of a licensee whose license has been revoked or suspended and who is responsible for or participated in the violation upon which the order of suspension or revocation was based, shall not be licensed within the period during which the order of suspension or revocation is in effect. (1977, 2nd Sess., c. 1217, s. 11; 1987, c. 827, s. 67.)

§ 19A-40. Civil Penalties.

The Director may assess a civil penalty of not more than five thousand dollars (\$5,000) against any person who violates a provision of this Article or any rule promulgated thereunder. In determining the amount of the penalty, the Director shall consider the degree and extent of harm caused by the violation. The clear proceeds of civil penalties assessed pursuant to this section shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2. (1995, c. 516, s. 6; 1998-215, s. 3.)

02 NCAC 52J SECTION .0200 - FACILITIES AND OPERATING STANDARDS

02 NCAC 52J .0202 INDOOR FACILITIES

- (b) Indoor housing facilities for dogs and cats shall be adequately ventilated to provide for the health and comfort of the animals at all times. The facilities shall be provided with fresh air either by means of windows, doors, vents or air conditioning and shall be ventilated so as to minimize drafts. Air flow shall be adequate to minimize odors and moisture condensation.
- (d) Interior building surfaces of indoor facilities with which animals come in contact shall be constructed and maintained so that they are impervious to moisture, and can be readily sanitized.

History Note: Authority G.S. 19A-24;

Eff. April 1, 1984;

02 NCAC 52J .0203 OUTDOOR FACILITIES

(a) In outdoor facilities that are subject to the Animal Welfare Act, primary enclosures and walkways with which an animal comes in contact shall be constructed of sealed concrete or other surfaces impervious to moisture. Gravel may be used if maintained at a minimum depth of six inches and kept in a sanitary manner.

History Note:

Authority G.S. 19A-24;

Eff. April 1, 1984;

Amended Eff. March 23, 2009; January 1, 2005.

02 NCAC 52J .0204 PRIMARY ENCLOSURES

(a) Primary enclosures shall be constructed so as to prevent contamination from waste and wastewater from animals in other enclosures. All surfaces with which an animal comes in contact shall be impervious to moisture. For primary enclosures placed into service on or after January 1, 2005, no wood shall be within the animal's reach. For primary enclosures in use in a licensed or registered facility prior to January 1, 2005, any damaged wood must be replaced in a manner that does not permit contact with wood by the animal.

(b) Primary enclosures for dogs and cats shall be structurally sound and maintained in good repair and in a manner to prevent injury to animals and keep other animals out. Primary enclosures shall be constructed so as to provide space to allow each dog or cat to walk, urn about freely, and to easily stand, sit, or lie in a natural position. The height of a primary enclosure other than a cage shall be no less than five feet. All enclosures shall be constructed to prevent the escape of animals.

History Note:

Authority G.S. 19A-24;

Eff. April 1, 1984;

Amended Eff. January 1, 2005; April 1, 1985.

Animal Welfare Section Inspection Results Date of inspection **NC Department of Agriculture and Consumer Services** Feb 19, 2016 Disapproved **1030 Mail Service Center** Raleigh, NC 27699-1030 Type of inspection | Follow-up inspection Type of runs ndoor + Outdoor runs phone: (919) 715-7111 FAX: (919) 733-6431 e-mail: aws.agr@ncagr.gov 10,552 URL: www.ncaws.com license type 41 - Boarding kennel License # 35.07994 80.56554 # dogs present # cats present | 7 Latitude Longitude Number of prim. enclosures 182 Continental Boarding Lisa Shaw Name of business Name of owner 2235 Township Rd Charlotte NC 28273 Mecklenburg Street address City ZIP code County +1 (704) 504-0025 **Phone Number Facilities Inspection Category** Result **Inspection Category** Result Inspection Category Resuit Acceptable Acceptable 0201 Housing in sound repair 0201 Daily waste removal Acceptable 0201 Perimeter Fence Acceptable 0201 Meets electrical code 0201 Hot and cold water present Acceptable Acceptable 0201 Adequate drainage Acceptable 0201 Safe electrical power 0201 Washroom basin and sink Accept. Acceptable 0201 Access to AWS employees Acceptable Food and bedding protected 0201 0201 Thermometer present Acceptable Acceptable 0201 Compliance with welfare Not applicable 0201 Animals in windows Records, shelter **Inspection Category** Result Inspection Category Result **Inspection Category** Result Not Applicable Not Applicable Not Applicable Origin of animals 0101 Location off-site 0101 Disposition of animals 0101 Not Applicable 0101 Descript. of animals, shelter Not Applicable Veterinary treatment, shelter 0101 Records, kennel Inspection Category Result **Inspection Category** Result Result **Inspection Category** 0102 Owner information & signature | Acceptable 0102 Description of animals, kennel Acceptable Acceptable 0102 Veterinary treatment, kennel Records, inspection **Inspection Category** Result Inspection Category **Inspection Category** Result Acceptable Acceptable Acceptable 0103 Records made available 0103 Records match animals 0103 Records kept 1+ year Signature of

Management

Animal Welfare Section, NCDA&CS **Inspection Results** Date of inspection Inspection Report, continued Feb 19, 2016 Disapproved NC Continental Boarding Lisa Shaw Charlotte **Indoor facilities Inspection Category** Result **Inspection Category Inspection Category** Result Acceptable 0202 Ambient temperature, indoor 0202 Ventilation, indoor Acceptable Acceptable 0202 Lighting, indoor Not Acceptable Acceptable 0202 Imperv./Sanitary surf., indoor 0202 Drainage, indoor **Outdoor facilities** Inspection Category Result Inspection Category Inspection Category Result Not Acceptable Acceptable 0203 Impervious surfaces, outdoor 0203 Housing, 1 per animal Acceptable 0203 Protection from elements Acceptable Acceptable 0203 Owner advised, outdoor 0203 Drainage, outdoor Primary enclosures **Inspection Category** Result **Inspection Category** Result Inspection Category Result Acceptable Accentable 0204 Drainage prev. cross contam. 0204 Fence height >= 5 feet Acceptable 0204 1:10 ratio, person: human Not Acceptable 0204 Surf. impervious to moisture 0204 Enclosure is escape proof Acceptable Acceptable 0204 Cats, >= 4 sq. ft. / adult Acceptable Acceptable 0204 Prevent contact with wood Acceptable 0204 Cats, <= 12 / enclosure 0204 Solid resting surface Not Acceptable Acceptable 0204 Enclosures in sound repair Acceptable 0204 Cats, raised resting surface 0204 Cats, 1 litter pan / 3 adults Acceptable 0204 Size of enclosure Acceptable 0204 Dogs, supervision if > 4 Feedina Inspection Category Result Inspection Category Result Inspection Category Result Acceptable Acceptable 0205 Feeding, 1x / day, adult 0205 Feeding, 1 bowl / adult Acceptable 0205 Feeding, commercial food Acceptable 0205 Feeding, bowl in good repair Acceptable Acceptable 0205 Feeding, quality food 0205 Feeding, bowl is protected Acceptable 0205 Feeding, 2x / day, young Watering Inspection Category Result Inspection Category Result Acceptable 0206 Watering, bowl in good repair Acceptable 0206 Watering, continuous access Sanitation/Employees/Classification & Separation Inspection Category Result **Inspection Category** Result **Inspection Category** Result Acceptable 0207 Waste removal 2x / day Acceptable Acceptable 0207 Grounds overgrown 0207 Young given social interact. Acceptable Acceptable Acceptable 0207 Animals removed while clean 0207 Pest Control 0207 Species separated Signature of Management

Animal Welfare Section, NCDA&CS **Inspection Results** Date of inspection Inspection Report, continued Disapproved Feb 19, 2016 Continental Boarding Charlotte Lisa Shaw NC Sanitation/Employees/Classification & Separation (continued) Acceptable 0207 Enclosure sanitized 2x / day Acceptable 0207 Isolation area & signage Acceptable 0207 Number of employees 0207 Method of sanitation Acceptable Acceptable Acceptable 0207 Females in estrus, separated 0207 Long term care program Acceptable Acceptable 0207 Build./grnds., clean & repair Acceptable 0207 Owner perm, commingling 0207 Animals confined 0207 Young with dam **Veterinary Care** Inspection Category Result **Inspection Category** Result Inspection Category Result Acceptable 0210 Program of veterinary care Acceptable 0210 Daily observation of animals 0210 Rabies vaccination 0210 Veterinary care when needed Acceptable Vehicles Not Applicable Not Applicable 0301 Vehicles mechanically sound 0301 Fresh air and ventilation Not Applicable 0301 Cargo area clean **Primary Enclosure Used in Transportation** Inspection Category Result **Inspection Category** Result Inspection Category Result Not Applicable Not Applicable 0302 Construction of enclosure Not Applicable 0302 Age and species separated 0302 Size of transport enclosure Not Applicable 0302 Enclosure clean & sanitized **Transportation: Food and Water Transportation: Care Inspection Category** Result Inspection Category Result 0303 Food & water during transport Not Applicable Not Applicable 0304 Observation of animals Narrative Explanation, if needed I performed a follow up inspection today and found the same inadequacies noted in the previous two inspections. Cover dirt surfaces in outside play area with grass, gravel, concrete or sand as noted during two last Inspection. Do Not use this area until this has been completed. It was noticed today that this play area is being used due to the fresh dog tracks in the mud. Repair walls in kennels # 20,17,10,16 & PC6 as noted during last two inspections. I explained to Dave Grindstaff he states he is the husband of the owner Lisa Shaw during previous inspection that it appears the canine are eating the Styrofoam insulation in the damaged walls. check here if additional pages of narrative are attached check here it a euthanasia inspection form is attached Signature of Signature of inspector | Jay Blatche | District report by the place to Management

Che mena mole an Animal Welfare Section Inspection Pesults Date of inspection NC Department of Agriculture and Lonsumer Services Disapproved Jan 11, 2016 1030 Mail Service Center Raleigh, NC 27699-1030 Type of inspection Type of runs indoor + Outdoor runs phone: (919) 715-7111 FAX: (919) 733-6431 e-mail: aws.agr@ncagr.gov license type 41 - Boarding kennel License # 10,552 URL: www.ncaws.com 35.07994 80.56554 # dogs present # cats present Latitude Longitude 182 Number of prim. enclosures Continental Boarding Lisa Shaw Name of business Name of owner 2235 Township Rd Charlotte NC Mecklenburg 28273 Street address City County +1 (704) 504-0025 Phone Number **Facilities Inspection Category** Result **Inspection Category** Result Inspection Category Result Acceptable Acceptable 0201 Housing in sound repair 0201 Daily waste removal Acceptable 0201 Perimeter Fence Acceptable 0201 Meets electrical code 0201 Hot and cold water present Acceptable 0201 Adequate drainage Acceptable Acceptable 0201 Safe electrical power 0201 Washroom basin and sink Accept. Acceptable 0201 Access to AWS employees Food and bedding protected 0201 Acceptable Acceptable 0201 Thermometer present 0201 Compliance with welfare Acceptable Not applicable 0201 Animals in windows Records, shelter **Inspection Category** Result **Inspection Category** Result Inspection Category Result Not Applicable Not Applicable Not Applicable Origin of animals 0101 Location off-site 0101 Disposition of animals 0101 Not Applicable Not Applicable 0101 Descript, of animals, shelter Veterinary treatment, shelter 0101 Records, kennel **Inspection Category** Result **Inspection Category** Result **Inspection Category** 0102 Owner information & signature | Acceptable 0102 Description of animals, kennel Acceptable Acceptable 0102 Veterinary treatment, kennel Records, inspection **Inspection Category** Result Inspection Category Result Inspection Category Acceptable 0103 Records made available Acceptable Acceptable 0103 Records match animals 0103 Records kept 1+ year Signature of Management

Animal	Inspectic esults Date of inspect													
Inspection Report, continued			Disappr	oved	Jan	11, 2016								
Continental Boarding		Lisa Shaw		Charlotte		NC								
San	Sanitation/Employees/Classification & Separation (continued)													
0207 Enclosure sanitized 2x / day	Acceptable	0207 Number of employees	Acceptable	0207 Isolation area & signage Acceptable		Acceptable								
0207 Method of sanitation	Acceptable	0207 Females in estrus, separated	Acceptable	0207 Long term care program Acceptable		Acceptable								
0207 Build /grnds., clean & repair	Acceptable	0207 Owner perm, commingling	Acceptable	0207 Animals confined		Acceptable								
	T-1	0207 Young with dam	Acceptable											
Veterinary Care														
Inspection Category	Result	Inspection Category	Result	Inspection Category		Result								
0210 Program of veterinary care	Acceptable	0210 Daily observation of animals	Acceptable	0210 Rabies vaccination		Acceptable								
0210 Veterinary care when needed	Acceptable													
Vehicles														
0301 Vehicles mechanically sound	Not Applicable	0301 Fresh air and ventilation	Not Applicable	0301 Cargo area cie	ean	Not Applicable								
	Primar	y Enclosure Used	l in Transpo	rtation	WALLES.									
Inspection Category	Result	Inspection Category	Result	Inspection Category Result		Result								
0302 Construction of enclosure	Not Applicable	0302 Age and species separated	Not Applicable	0302 Size of transpo	ort enclosure	Not Applicable								
302 Enclosure clean & sanitized	Not Applicable													
Transporta	tion: Food a	nd Water	Tran	sportatio	n: Care									
Inspection Category	Result			Inspection Category Result										
1303 Food & water during transport	Not Applicable			0304 Observation o	fanimals	Not Applicable								
	1	Narrative Explanat	tion, if neede	ed										
Visited this facility to follow up o	on inadequacies noted dur	ing last inspection dated 12/12/2015.	The owner stated nothing	has been done becau	se he did not re	ceive an email								
inspection report.														
Cover dirt surfaces in outside play area with grass, gravel, concrete or sand as noted during last inspection. Do Not use this area until this has been completed.														
Seal wood damaged from chewing around windows in big dog inside play area as noted during last inspection, repair walls in kennels # 20,17,10,16 & PC6.														
This facility has 10 days to correct these problem. I will return at some point after the 10 day period for re-inspection if this facility.														
check here if additional pages of narrative are attached check here if a euthanasia inspection form is attached														
Signature of inspector														

9PB MEPDIGIAIDA

Ani	Ins	pec	tion sults	Date	Date of inspection						
NC Department of Agriculture and Consumer Services 1030 Mail Service Center Raleigh, NC 27699-1030 phone: (919) 715-7111 FAX: (919) 733-6431				Approved			Dec 16, 2015				
				Type of inspection Annua		Type of runs	Indoor + Outdoor runs				
e-mail: aws.agr@ncagr.gov URL: www.ncaws.com			license type		41 - Boarding kennel	License #	10,552				
35.07994	80.56554	1 1111	# dogs present 86		86	# cats present	3				
Latitude		Num	nber of prim. enclosur	of prim. enclosures 182							
Continental Boarding Lisa Shaw											
Name of business		Name of owne	r								
2235 Township Rd		Charlotte	NC 28		28273	Meckler	lenburg				
Street address		City			ZIP code	County	3				
+1 (704) 504-0025		MI 5_									
Phone Number											
	**************************************	Facilia		15/11							
ESTERBIOLISTA REC		Faciliti	les				SELECTION OF THE PARTY OF THE P				
Inspection Category	Result	Inspection Category	Result		Inspe	ction Category	Result				
0201 Housing in sound repair	Acceptable	0201 Daily waste removal	Acceptable		0201 Perin	neter Fence	Acceptable				
0201 Meets electrical code	Acceptable	0201 Hot and cold water present	Acceptable		0201 Adec	uate drainage	Acceptable				
0201 Safe electrical power	Acceptable	0201 Washroom basin and sink	Accept,	R	0201 Acce	ss to AWS employees	Acceptable				
Food and bedding protected 0201	Acceptable	0201 Thermometer present	Acceptable		0201 Com	pliance with welfare	Acceptable				
		0201 Animals in windows	Not applicat	ole							
		Records, s	helter								
Inspection Category	Result	Inspection Category	Resi			ction Category	Result				
Origin of animals 0101	Not Applicable	Location off-site 0101	Not Applicab	le	Disposition	of animals 0101	Not Applicable				
0101 Descript, of animals, shelter	Not Applicable				Veterinary	treatment, shelter 0101	Not Applicable				
		Records, k	ennel		is Coresii						
Inspection Category	Result	Inspection Category	Resi	ult	Inspe	ction Category	Result				
0102 Owner information & signature	Acceptable	0102 Description of animals, kenne	Acceptable	1.70	0102 Veter	inary treatment, kennel	Acceptable				
		Records, ins	pection	n							
Inspection Category	Result	Inspection Category	Resi		Inspe	ction Category	Result				
0103 Records made available	Acceptable	0103 Records match animals	Acceptable		0103 Reco	ds kept 1+ year	Acceptable				
			Signati Manag								

Animal Welfare Section, NCDA&CS Inspection results Date of inspection Inspection Report, continued **Approved** Dec 16, 2015 Continental Boarding Lisa Shaw Charlotte NC Sanitation/Employees/Classification & Separation (continued) 0207 Enclosure sanitized 2x / day Acceptable Acceptable Acceptable 0207 Number of employees 0207 Isolation area & signage Acceptable 0207 Method of sanitation Acceptable 0207 Females in estrus, separated Acceptable 0207 Long term care program Acceptable 0207 Build/grnds., clean & repair Acceptable Acceptable 0207 Owner perm, commingling 0207 Animals confined Acceptable 0207 Young with dam **Veterinary Care Inspection Category** Result **Inspection Category** Result Inspection Category Result Acceptable 0210 Program of veterinary care 0210 Daily observation of animals Acceptable 0210 Rabies vaccination 0210 Veterinary care when needed Acceptable Vehicles Not Applicable Not Applicable 0301 Vehicles mechanically sound 0301 Fresh air and ventilation Not Applicable 0301 Cargo area clean **Primary Enclosure Used in Transportation** Result Inspection Category Inspection Category Result Inspection Category Result Not Applicable Not Applicable 0302 Construction of enclosure Not Applicable 0302 Age and species separated 0302 Size of transport enclosure Not Applicable 0302 Enclosure clean & sanitized **Transportation: Food and Water Transportation: Care Inspection Category** Inspection Category Result 0303 Food & water during transport Not Applicable Not Applicable 0304 Observation of animals Narrative Explanation, if needed I performed an annual inspection today and found a few inadequacies that need to be addressed. This approval is contingent upon all inadequacies being corrected within 10 days. Cover dirt surfaces in outside play area with grass, gravel or concrete as noted during last inspection, owner states this will be done when weather permits. Do Not use this area until this has been completed. Seal wood around windows and post in big dog inside play area as noted during last inspection, repair walls in kennels # 20,17,10,16 & PC6. I have taken pictures of all inadequacies indicated, above. I examined the records for the animals at this facility; they were complete and adequate. This facility has 10 days to correct these problem. I will return at some point after the 10 day period for re-inspection if this facility.

Signature of Management

check here if a euthanasia inspection form is attached

check here if additional pages of narrative are attached

Signature of inspector Jay Blatche